IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 8844 of 2004(C)

PETITIONER:

SANTHOSH P. JOSEPH, THARAKUDIYIL,
MANNATHOOR P.O., MUVATTUPUZHA.

BY ADV. SRI.K.L.VARGHESE
SMT.SANTHA VARGHESE

RESPONDENTS:
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1. **THE KERALA WATER AUTHORITY,**
   REPRESENTED BY THE MANAGING DIRECTOR,
   JALA BHAVAN, THIRUVANANTHAPURAM.

2. **THE SUPERINTENDING ENGINEER,**
   KERALA WATER AUTHORITY, PH. CIRCLE,
   MUVATTUPUZHA.

BY ADV. SRI.BABU VARGHESE, SC, KWA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 8844 OF 2004-C

JUDGMENT

A work awarded to the petitioner by the Kerala Water Authority has been terminated at his risk and cost, by Ext.P10 order. This Writ Petition was filed, challenging the said order. The petitioner submits, the work was re-arranged and the actual loss suffered by the respondents is only less than Rs.40,000/-. There is already an Earnest Money Deposit of Rs.50,000/- made by the petitioner with the Water Authority. So, he prays for a direction to the competent authority of the Water Authority to refund the balance amount, after adjusting the actual loss suffered by it, by re-arranging the work.

2. The 1st respondent is directed to take a decision on the claim of the petitioner mentioned above, after affording him an opportunity of being heard within two months from the date of production/receipt of a copy of this judgment. The petitioner will be free to bring to the notice of the 1st respondent the judgment of this Court stated to be in his favour. In that event the said respondent will consider the same also, while taking the

decision as directed above.

The Writ Petition is disposed of as above.

18th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/